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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,612

09/06/2006

Toshinori Saiin

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EXAMINER

ZENATI, AMAL S

ART UNIT

PAPER NUMBER

4183

NOTIFICATION DATE

DELIVERY MODE

03/25/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@pearne.com  
dchervenak@pearne.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,612	<b>Applicant(s)</b> SAIN ET AL.	
	<b>Examiner</b> AMAL ZENATI	<b>Art Unit</b> 4183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/06/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objection***

1. Claim 1 is objected to because of the following informalities: in line 2, claim 1 recites the limitation "each of speakers", it is objected since it is improper English. Therefore, the examiner suggests changing to "each of a plurality of speakers" or "each speaker." Applicant should also change the corresponding phrase in the rest of the claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "notifies of the speaker." It is unclear who is the speaker that will be notified. The examiner assumes the user is the one who will be notified. For purposes of prior art rejection, Examiner will interpret "notifies of the speaker" as "notifies a user of the speaker". Also claim 1 recites the limitation "the speaker verifying Unit." There is insufficient antecedent basis for this limitation in the claim. It is also unclear whether the "speaker verifying unit" is the same as or different than "the speaker collating unit" which performs a verification process. Applicant should resolve this ambiguity.

5. Claim 2 recites the limitation "stores the voice of each of speakers so as to correspond to a telephone number." This limitation is subject to two interpretations; the first one is to store the voice for the plurality of speakers as correspond to one telephone number. The second one is to store the voice of each speaker as to correspond to a single telephone number. For purposes of prior art rejections, Examiner will adopt the second interpretation. Also, the same

correction should be made to the following “the speaker verifying unit verifies the voice of each of speakers corresponding to a telephone number of the call partner, with the voice of the call partner.”

6. Claim 3 recites the limitation “stores the voice of the call partner as the voice of each of speakers so as to correspond to the telephone number of the call partner”; This limitation is subject to two interpretations; the first one is to store the voice of the call partner as a model for all speakers that has one telephone number. The second one is to store the voice of the call partner as a model for one speaker that corresponds to a signal telephone number. For purposes of prior art rejections, Examiner will adopt the second interpretation. Applicant should resolve this ambiguity and follow the corresponding correction to the rest of the claims.

7. Claim 4 recites the limitation “extracts a featured portion from the voice of the call partner.” It is unclear how a “featured portion” is defined. Therefore, Applicant should resolve this ambiguity.

8. Claim 5 recites the limitation “calculates a likelihood of the featured” It is unclear how calculates the likelihood of the featured portion. For purposes of prior art rejections, Examiner will assume calculating the likelihood of the featured portion by **matching** the featured portion of the voice of the call partner with the featured portion of the voice of each speaker’s model. Applicant should resolve this ambiguity.

***Claim Rejections - 35 USC § 102***

9. The following is appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-5** are rejected under 35 U.S.C 102 (b) as being anticipated by **Epstein et al (US 6,327,343 B1; hereinafter Epstein)**.

Consider **claim 1, Epstein** clearly shows and discloses a telephone device, comprising: a storing unit configured to store a voice of each of speakers (col. 6, lines 65-67; col. 7, line 1); a speaker collating unit that verifies the voice of each of speakers with a voice of a call partner (col. 7, lines 14-21); and a notifying unit that notifies of the speaker who coincides with the voice of the call partner by the speaker verifying unit (col. 7 , lines 22-26).

Consider **claim 2, Epstein** clearly shows the telephone device, wherein the storing unit stores the voice of each of speakers so as to correspond to a telephone number (col. 5, lines 52-58); and wherein the speaker verifying unit verifies the voice of each of speakers corresponding to a telephone number of the call partner, with the voice of he call partner (col. 7, lines 20-26).

Consider **claim 3, Epstein** clearly shows the telephone device, wherein the storing unit stores the voice of the call partner as the voice of each of speakers so as to correspond to the telephone number of the call partner (col. 5, lines 52-58).

Consider **claim 4, Epstein** clearly shows the telephone device, further comprising a voice analyzing unit that extracts a featured portion from the voice of the call partner; wherein the storing unit stores a featured portion of the voice of the call partner as a featured portion of the voice of each of speakers so as to correspond to the telephone number of the call partner

(col. 8, lines 8-17); and wherein the speaker verifying unit verifies the featured portion of the voice of each of speakers corresponding to the telephone number of the call partner, with the featured portion of the voice of the call partner (col. 7, line 19-23).

Consider **claim 5, Epstein** clearly shows the telephone device, wherein the speaker verifying unit includes: an input voice calculating section that calculates a likelihood of the featured portion of the voice of the call partner on the basis of the featured portion of the vice of each of speakers (col. 7, lines 18-21; fig. 3A, label 120); and a judging section that judges whether the featured portion of the voice of each of speakers coincides with the featured portion of the voice of the call partner, based on a result of the calculation (col. 7, lines 22-23; fig. 3A, label 130).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is (571)270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571- 272- 1184. The fax phone number for the organization where this application or proceeding is assigned is 571- 571-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Amal Zenati  
/Amal Zenati/

March 14, 2008

/Len Tran/

Supervisory Patent Examiner, Art Unit 4183